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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,775	08/31/1999	LASZLO ERDELY JR.	1858.003	1784

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VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSON
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3HO1
IRVING, TX 75038

EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 09/23/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/386,775	ERDELY ET AL.
	Examiner BINH K. TIEU	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-15 is/are allowed.

6) Claim(s) 16 and 17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant's Remarks, filed 07/15/2003, with respect to the rejection(s) of claim(s) 1-17 under McNab et al. (U.S. Pat. #: 4,937,855) and McNamara et al. (U.S. Pat. #: 5,974,139) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bingel (U.S. Pat. #: 5,848,150) as follows.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bingel (U.S. Pat. #: 5,848,150).

Regarding claim 16, Bingel teaches a frequency-selective method for allowing interruption of communications within a first frequency range (i.e., transitions of a POTS communications device from an on-hook state to an off-hook state) on a communications path (i.e., customer wiring 16 or 16' in figures 1-4) while maintaining communications within a second frequency range (ADSL signals being transmitting to a xDSL modem 41 as shown in

figures 2-4 on second communication channel; col.1, lines 24-40) on the communication path, comprising the steps of:

providing the communications path (i.e., such as customer wiring 16 or 16a; placing a frequency selective filter (i.e., capacitor C1 or C2 as shown in figure 1) in parallel with the communication path (col.5, lines 19-37).

Regarding claim 17, Bingel teaches a frequency-selective method for allowing interruption of communications within a first frequency range (i.e., transitions of a POTS communications device from an on-hook state to an off-hook state) on a communications path (i.e., customer wiring 16 or 16' in figures 1-4) while maintaining communications within a second frequency range (ADSL signals being transmitting to a xDSL modem 41 as shown in figures 2-4 on second communication channel; col.1, lines 24-40) on the communication path, comprising the steps of:

(a) placing a local loop generation mechanism (i.e., POTS filter 12 as shown in figure 1 and POST filter 12' shown in figure 6) in series with the communication path (i.e., col.5, lines 38-55 and col.6, line 60 – col.7, line 4); and

(b) placing a frequency selective filter (i.e., capacitor C1 or C2) in parallel with the local loop generation mechanism (col.5, lines 19-37).

Allowable Subject Matter

3. Claims 1-15 are allowed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



BINH TIEU
PRIMARY EXAMINER

Art Unit 2643

Date: September 10, 2003